



IFW / DAC

Atty. Dkt. No. 087147-0494

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshiyuki INADA et al.
Title: PHARMACEUTICAL COMPOSITION FOR
ANGIOTENSIN II-MEDIATED DISEASES
Appl. No.: 10/781,263
Filing Date: 2/19/2004
Examiner: Sun Jae Y. LOEWE
Art Unit: 1626
Confirmation Number: 3131

RENEWED PETITION UNDER 37 C.F.R. § 1.183
TO ACCEPT DECLARATION NOT SIGNED BY ONE CO-INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Petition Decision mailed on September 29, 2008, in the above-identified application, dismissing the previously filed petition, Applicants hereby renew their petition Under 37 CFR 1.183 to accept a declaration not signed by one of the co-inventors.

Applicants' Petition filed on September 10, 2008 was treated as a petition under 37 CFR 1.183, though the requirements for establishing that a non-signing inventor has refused, or cannot be located, to sign the supplemental declaration are the same as the requirements under 37 CFR 1.47. The Decision indicates that copies of documentary evidence such as internet searches should be made part of the statement of facts, and that steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts, and further that the statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein.

Submitted herewith is a Statement of Facts in Support of Renewed Petition Under 37 CFR 1.183 of Naoto Fujikawa, the person having firsthand knowledge of the facts recited therein. The statement of facts contains the required description of the pertinent facts concerning attempts made to obtain Dr. Inada's signature on the Substitute Reissue Declaration complying with 37 C.F.R. § 1.175.

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is again made to accept the Substitute Reissue Declaration without the signature of inventor Yoshiyuki Inada because he can not be reached to sign the Substitute Reissue Declaration, complying with 37 C.F.R. § 1.175. A Substitute Reissue Declaration complying with 37 C.F.R. § 1.175 signed by the remaining joint inventor, Keiji Kubo, was filed on September 10, 2008.

1. The named inventors of the above-identified application are as follows:

Yoshiyuki Inada

Keiji Kubo

2. The last known address of Yoshiyuki Inada is: 3-6, Matsugaoka-Cho, Kawanishi-City, Hyogo, Japan, as indicated on the attached statement of facts of Naoto Fujikawa.
3. Takeda Pharmaceutical Company Limited is the Assignee of the present application, by virtue of an assignment from Yoshiyuki Inada and Keiji Kubo recorded in the Patent and Trademark Office on February 22, 1995, in grandparent application 08/351,011, at Reel 7364, Frame 0232; and a change of name from Takeda Chemical Industries, Ltd. to Takeda Pharmaceutical Company Limited recorded in the present application at Reel 015864, Frame 0954. A Consent of Assignee was submitted along with the original Petition on September 10, 2008. It is further submitted that the filing of this application is necessary to preserve the rights of the Applicants, namely the remaining inventor and Takeda Pharmaceutical Company Limited. See MPEP § 409.03(g).
4. In view of the facts set forth in the supporting statement of facts, it is believed that Dr. Inada can not be reached to executed the Substitute Reissue Declaration Under 37 CFR 1.175. Therefore, the undersigned petitions the U.S. Patent and Trademark

Office, in accordance with 37 C.F.R. § 1.47(a) to accept the accompanying Substitute Reissue Declaration from the remaining joint inventor.

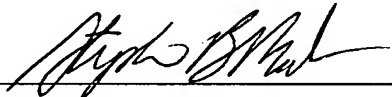
It is believed that no further fees are due in association with the present Renewed Petition. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date Oct. 23, 2008

By 

FOLEY & LARDNER LLP
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Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



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Statement of Facts in Support of Renewed Petition Under 37 C.F.R. § 1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Naoto Fujikawa, hereby declare the following:
2. I am currently employed in the IP Department of Takeda Pharmaceutical Company, Limited, the assignee of the above-identified application.
3. I made the following attempts to contact one of the co-inventors, Dr. Yoshiyuki Inada, in order to inform him that his signature was needed on a Declaration in connection with the above-identified reissue application:
 - On June 9, 2008, I attempted to reach Dr. Inada by speaking face-to-face with his wife, who still works at Takeda Pharmaceutical Company Limited. Dr. Inada's wife informed me that I could not meet with Dr. Inada in person because Dr. Inada was away from home because of his physical problem. Dr. Inada's wife did not specify the details of the problem.
 - On June 13, 2008, I made a call to Dr. Inada's telephone number. Dr. Inada's wife answered and informed me that Dr. Inada was not at home.
 - On June 16, 2008, I sent a letter to Dr. Inada at his last known address of 3-6,

Matsugaoka-Cho, Kawanishi-City, Hyogo, Japan informing him that his signature was needed on an Inventor Declaration for the present reissue application, and asking Dr. Inada to contact me to discuss the details of the Declaration in a face-to-face meeting (see Exhibit A, with English translation). It is the policy of our company, Takeda Pharmaceutical Company Limited, not to send an Inventor Declaration by mail for signature. That is why I sent a request for Dr. Inada to contact me about a face-to-face meeting so that we could witness his execution of the inventor Declaration.

- Delivery to Dr. Inada at the above address was attempted on June 18, 2008, and again on June 26, 2008. Delivery could not be made due to Dr. Inada's absence (see Exhibit B, with English translation).
- I obtained Dr. Inada's last known address for my June 16th correspondence from the Declaration that was signed by Dr. Inada on Feb. 13, 2004. I confirmed that Dr. Inada's formal address has not changed since in the telephone conversation with his wife on June 13, 2008. As of the execution date of the present Statement of Facts, we have not received any communication from Dr. Inada in response to our efforts.
- I did not perform a search for Dr. Inada's address in a searchable database for individuals because no such databases are available in Japan. The Japanese Private Information Protection Law enacted in 2003 restricts availability of personal information including the address of private citizens.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

October 22nd, 2008
Date

Naoto Fujikawa
Naoto Fujikawa

2008年6月16日
(全1枚)

666-0037
兵庫県川西市松ヶ丘町3-6
稲田 義行 様

大阪市淀川区十三本町二丁目17番85号
武田薬品工業株式会社 知的財産部
シニアマネジャー 長谷川 吉一
担当 藤川 直人
Tel.06-6300-6428 Fax.06-6300-6601

特許出願Case2162US8N(TCV-116C・利尿剤合剤)の宣誓書手続きについてのお願い

前略

稲田様が発明者である題記の特許出願につき、米国特許庁におきまして再発行手続をするに際し、稲田様にサインいただいた宣誓書を提出する必要があります。宣誓書について直接説明差し上げた上でサインを頂きたいと考えておりますので、ご都合のよろしい時間帯に担当・藤川までご連絡いただきますようお願い申し上げます。

大変恐縮ですが、6月25日までにご連絡のほどお願いいたします。

草々

Naoto Fujikawa

June 16th, 2008

(1 sheet in all)

Dr. Yoshiyuki Inada,
3-6, Matsugaoka-Cho,
Kawanishi-City,
Hyogo, Japan

17-85, Jusohonmachi 2-Chome,
Yodogawa-Ku, Osaka, Japan
Takeda Pharmaceutical Company, Ltd.
Intellectual Property Department
Senior Manager : Yoshikazu Hasegawa
Administrator: Naoto Fujikawa

**Requests regarding the Declaration Procedure of Case2162US8N(TCV-116C/diuretics
combination)**

(Case2162US8N is Takeda's Ref.No. of US Appl.No. 10/781,263)

Dear Sirs,

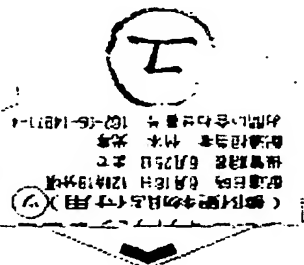
With regard to the aforementioned patent application, please be noted that it is necessary to file the Declaration Form which is sealed and signed by inventors in order to file a reissue application to USPTO. We would like you to sign the Form after we explain face-to-face the detail of the Declaration, so please contact Mr. Fujikawa at your convenience.

I wouldn't like to bother you, but we would like to talk with you by June 25th.

Best regards,

6 6 6 9 9 7

兵庫県川西市松ヶ丘町 3-6



この郵便物は、6月16日午後1時30分以降に神戸市内の郵便局で投函された郵便物です。郵便物の届いた日付は、郵便物の投函された日付と一致する場合があります。この郵便物の届いた日付は、郵便物の投函された日付と一致する場合があります。

1. 月 日 時 分 投函された郵便物の届いた日付は、郵便物の投函された日付と一致する場合があります。

2. 月 日 時 分 投函された郵便物の届いた日付は、郵便物の投函された日付と一致する場合があります。

3. 月 日 時 分 投函された郵便物の届いた日付は、郵便物の投函された日付と一致する場合があります。



notice from the Post Office
(translated into English in the next page)

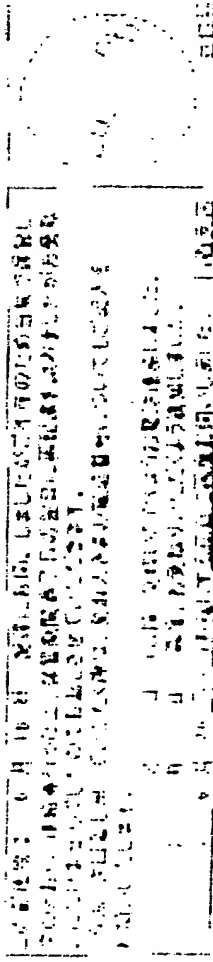


武田薬品工業株式会社

〒532-8686 大阪市淀川区十三本町二丁目17番85号
知の財産部
TEL 06-6303-6428 FAX 06-6300-6601

2008年6月11日

(この封筒は消滅後利用できません) T-21



↓ English translation

We tried to deliver this mail to your mentioned address above on June 18th, however, we couldn't do it due to the addressee's absence.

We tried to deliver again one week later but we couldn't do it again due to the same reason. Sorry but we have to return this mail to you. We have left a notice in the addressed mail box as below.

When you mail again, please let us know addressee's phone number if you know it.

(notification) 1. I have called and asked you to receive the mail after (month/day).

2. I have let you know that you should receive this mail again on (month/day).
3. I have tried to deliver this mail to you on June 26th again.

(Kawanishi-City Post Office)